

STRICKEN PURSUANT
TO THE #258 ORDER
ENTERED 09/25/2012

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

In Re: Ethicon Inc., Pelvic Repair System Products Liability Litigation
MDL No. 2327

AMENDED SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2327 by reference. Plaintiff(s) further show the court as follows:

1. Female Plaintiff

Debra Orchard

2. Plaintiff's Spouse (if applicable)

Jeff Orchard

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

N/A

4. State of Residence

Michigan

5. District Court and Division in which venue would be proper absent direct filing.

In the United States District Court for the Western District of Michigan

6. Defendants (Check Defendants against whom Complaint is made):

(X) A. Ethicon, Inc.

(X) B. Ethicon, LLC

(X) C. Johnson & Johnson

- ☒ D. American Medical Systems, Inc. ("AMS")
- ☐ E. American Medical Systems Holdings, Inc. ("AMS Holdings")
- ☒ F. Endo Pharmaceuticals, Inc.
- ☐ G. Endo Health Solutions Inc. (f/k/a Endo Pharmaceuticals Holdings, Inc.)
- ☐ H. Boston Scientific Corporation
- ☐ I. C. R. Bard, Inc. ("Bard")
- ☐ J. Sofradim Production SAS ("Sofradim")
- ☐ K. Tissue Science Laboratories Limited ("TSL")

7. Basis of Jurisdiction

- ☒ Diversity of Citizenship
- ☐ Other: _____

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

Paragraphs 1 through 18 of the Master Complaint

B. Other allegations of jurisdiction and venue:

A substantial portion of the events leading to Plaintiff's injuries arose in Michigan making venue proper.

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- ☐ Prolift
- ☐ Prolift +M
- ☐ Gynemesh/Gynemesh PS

- ☐ Prosima
- ☐ TVT
- ☐ TVT-Oturator (TVT-O)
- ☐ TVT-SECUR (TVT-S)
- ☒ TVT-Exact
- ☐ TVT-Abbrevio
- ☒ Other

Monarch Subfascial Hammock

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products):

- ☐ Prolift
- ☐ Prolift +M
- ☐ Gynemesh/Gynemesh PS
- ☐ Prosima
- ☐ TVT
- ☐ TVT-Oturator (TVT-O)
- ☐ TVT-SECUR (TVT-S)
- ☒ TVT-Exact
- ☐ TVT-Abbrevio
- ☒ Other

Monarch Subfascial Hammock

10. Date of Implantation as to Each Product:

05/12/2011: Monarch Subfascial Hammock

09/15/2011: Gynecare TVT Exact

12/22/2011: Gynecare TVT Exact

11. Hospital(s) where Plaintiff was implanted (including City and State):

Butterworth Hospital in Grand Rapids, MI

12. Implanting Surgeon(s):

Philip Hoekstra, M.D.

13. Counts in the Master Complaint brought by Plaintiff(s):

- (X) Count I – Negligence
- (X) Count II – Strict Liability – Manufacturing Defect
- (X) Count III – Strict Liability – Failure to Warn
- (X) Count IV – Strict Liability – Defective Product
- (X) Count V – Strict Liability – Design Defect
- (X) Count VI – Common Law Fraud
- (X) Count VII – Fraudulent Concealment
- (X) Count VIII – Constructive Fraud
- (X) Count IX – Negligent Misrepresentation
- (X) Count X – Negligent Infliction of Emotional Distress
- (X) Count XI – Breach of Express Warranty
- (X) Count XII – Breach of Implied Warranty
- (X) Count XIII – Violation of Consumer Protection Laws
- (X) Count XIV – Gross Negligence
- (X) Count XV – Unjust Enrichment
- (X) Count XVI – Loss of Consortium
- (X) Count XVII – Punitive Damages
- (X) Count XVIII – Discovery Rule and Tolling

() Other Count(s) (Please state factual and legal basis for other claims below):

Date: 9/19/12

By: 

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